

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

Tawni Bennett,

Plaintiff,

v.

Veterans Aid PAC, Inc.,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. Case 4:21-cv-00340-
ALM

PLAINTIFF'S PROPOSED JURY INSTRUCTION

AND NOW, Plaintiff Tawni Bennett, by and through her undersigned counsel, over the objection of Defendant Veterans Aid Pac, Inc., hereby submits her proposed jury instructions:

**PLAINTIFF'S PROPOSED JURY INSTRUCTION NO. 1:
SOUNDBOARD TECHNOLOGY IS AN ARTIFICIAL OR PRE-RECORDED VOICE**

Soundboard technology is an audio technology where pre-recorded clips and artificial voice technology is played in a manner responds to human prompts to emulate a two-way conversation. The Federal Trade Commission and Federal Communications Commission have both concluded that soundboard technology is a pre-recorded or artificial voice as defined by the TCPA.

Accordingly, you are not being asked to determine whether soundboard technology is a pre-recorded or artificial voice. If you conclude soundboard technology was used, then you have concluded that a pre-recorded or artificial voice was used.

Soundboard Ass'n v. FTC, 435 U.S. App. D.C. 208, 209, 888 F.3d 1261, 1262 (D.C. Circ. 2018); *FCC Declaratory Ruling and Order DA 20-1507* (Dec. 18, 2020)

Truly yours,

/s/ Jacob U. Ginsburg

Jacob U. Ginsburg

Kimmel & Silverman, P.C.

30 E. Butler Ave.

Ambler, PA 19002

Phone: (215) 540-8888 ext. 104

jginsburg@creditlaw.com

teamkimmel@creditlaw.com

Dated: June 6, 2022

CERTIFICATE OF SERVICE

I, Jacob U. Ginsburg hereby certify I served a copy of the foregoing on all parties of record via ECF.

/s/ Jacob U. Ginsburg